

**MINUTES OF THE REGULAR MEETING OF THE
COMMON COUNCIL OF THE CITY OF JASPER, INDIANA
DECEMBER 21, 2005**

A meeting of the Common Council of the City of Jasper, Indiana, was held on Wednesday December 21, 2005, in the Council Chambers of City Hall, 610 Main Street, Jasper, Indiana.

Call to Order.

Presiding Officer Mayor William J. Schmitt called the meeting to order at 7:00 p.m.

Roll Call.

Mayor William J. Schmitt	Present
Councilmembers	
John Schroeder	Present
Bradley Seger	Present
Thomas Schmidt	Present
Ambrose 'Butch' Schitter	Present
Renee Kabrick	Present
Randall Buchta	Present
Raymond Howard	Absent
City Attorney Sandra Hemmerlein	Present
Clerk-Treasurer Juanita S. Boehm	Present

Clerk-Treasurer Juanita Boehm announced that in order to have a quorum for the meeting, a majority of the members of the legislative body must be in attendance. Six of the seven members were in attendance, which constitutes a majority; therefore, there was a quorum for the meeting.

Mayor Schmitt then invited all those present to recite the Pledge of Allegiance.

Approval of the Minutes

The following minutes were distributed to and examined by the Council:

1. November 23, 2005 regular monthly common council meeting and a public hearing regarding the annexation of an area known as Brookstone II and III Area.
2. November 23, 2005 6:20 p.m. public hearing to vacate a platted right-of-way in the O. Eckerle's Victory Villa, 6th Addition.
3. November 23, 2005 6:30 p.m. public hearing to amend the text in the City's zoning ordinance that references the rules for election signs.
4. November 23, 2005 6:40 p.m. public hearing to rezone the vacant land south of Diamond Ridge Estates and south and east of Brookstone Estates from A-1 to R-R.
5. July 25, 2005 special meeting—budget hearing day 1
6. July 26, 2005 special meeting—budget hearing day 2

A **motion** was made by Councilmember Ambrose Schitter and seconded by Councilmember Thomas Schmidt to approve the minutes as presented. Motion carried 6-0.

Boy Scout. Ryan Fierst, a Boy Scout with Troop 185, was present. Fierst is working on his Communications merit badge.

General Manager of Utilities. Utility Service Board Chairman Greg Krodel introduced Gerald “Bud” Hauersperger as the general manager of utilities. He said that Mr. Hauersperger’s first day on the job was December 19, 2005. Mayor Schmitt also welcomed Mr. Hauersperger.

Utility Service Board. Utility Service Board Chairman Greg Krodel presented a report of the regular monthly meeting held on December 19, 2005. Copies of the minutes are supplied to each council member.

Schedule an organizational meeting. Mayor Schmitt stated that state law requires that the legislative body hold its first regular meeting on the first Monday in January. He said that since the first Monday of 2006 is a Federal holiday, he suggested holding the first regular meeting on Tuesday, January 3, 2006 at 8:00 a.m. The council members agreed.

Ordinance No. 2005-40 AN ORDINANCE ANNEXING CERTAIN ADJACENT AND CONTIGUOUS TERRITORY INTO THE CORPORATE LIMITS OF THE CITY OF JASPER, INDIANA (Brookstone II and III Area)

Ordinance No. 2005-40 annexes 32.81 acres located adjacent to and south of Brookstone Estates and Diamond Ridge Estates.

Upon motion by Councilmember Ambrose Schitter, seconded by Councilmember Randall Buchta, and approved 6-0, the ordinance was ordered read on second reading by title only. The ordinance was so read. Thereafter, upon motion made by Councilmember Thomas Schmidt, seconded by Councilmember Bradley Seger, the ordinance was approved 6-0 on the second reading.

During discussion, City Attorney Sandra Hemmerlein reported that the ordinance was introduced on October 19, 2005 and that a public hearing was held and a fiscal plan adopted on November 23, 2005. She said if the ordinance is adopted tonight, it would become effective 30 days after publication.

Councilmember Ambrose Schitter reported that the developer, landowner and surveyor had met with a group of city officials regarding extending the street and it was determined that it was past feasibility to develop. Mayor Schmitt stated that he agreed with the outcome of the meeting because of obstacles separating the landowner’s land and that part of the land for the street was in the flood plain.

Thereafter upon motion by Councilmember John Schroeder, seconded by Councilmember Ambrose Schitter, and carried 6-0, it was moved to have the ordinance read on third and final reading by title only. The ordinance was so read. Thereafter, on motion made by Councilmember Thomas Schmidt, seconded by Councilmember Renee Kabrick, Ordinance No. 2005-40 was approved 6-0 on the third and final reading.

Ordinance No. 2005-46 “AN ORDINANCE REGULATING OUTDOOR BURNING, REFUSE BURNING AND CERTAIN HEATING DEVICES”

Ordinance No. 2005-46. Regulates outdoor burning and certain heating devices.

The ordinance was introduced upon motion by Councilmember Ambrose Schitter, seconded by Councilmember Randall Buchta, and approved 6-0, to read the ordinance by title only on first reading. The ordinance was so read. Thereafter, on motion made by Councilmember Ambrose Schitter and seconded by Councilmember Bradley Seger, Ordinance No. 2005-46 was approved 6-0 on first reading.

City Attorney Sandra Hemmerlein stated that the ordinance will replace Chapter 5.10 in the code book and that it will make it clearer as to what is exempt and what needs prior approval. She also said that the open burning hours have changed and the ordinance would clarify that burn barrels are not allowed. Hemmerlein also read the definitions for outdoor furnaces and read the regulations for outdoor wood furnaces.

Fire Chief and Code Enforcement Officer Kenneth Hochgesang noted that the ordinance would insure proper installation and that the ordinance is very workable. Councilmember Ambrose Schitter thought it important that chimney stacks be at least 15 foot from the ground. Mayor Schmitt said one of the problems with outdoor wood burning furnaces is that they create low-hanging smoke, which is a nuisance.

Kevin Gurdorf, installer of outdoor wood burning furnaces, stated that units do not create a nuisance if they are installed as per manufacturers' recommendations. He said standards have been set by the EPA and was concerned that the ordinance sets the heights of chimney stacks at 15 foot. Mr. Gurdorf noted that wood is 100% natural and that the main problem is people burning garbage in units. Mayor Schmitt responded that the ordinance would enforce that. Doug Seitz, another dealer of outdoor wood burning furnaces, stated that it was unfair to single out outdoor wood burning furnaces before having all the information.

A Timberlin street resident , which is outside the city limits, stated that he had installed an outdoor wood burning furnace and invited interested persons to come and see his unit.

Councilmember Renee Kabrick suggested installers provide information to the council on outdoor wood burning furnaces while City Attorney Hemmerlein offered to supply a copy of the ordinance to any interested persons.

Councilmember Bradley Seger asked if it was the intent to have the second and third readings of the ordinance at the January meeting after the public hearing. City Attorney Hemmerlein responded that final readings do not have to be held at the January meeting. Councilmember Bradley Seger was of the opinion that Councilmembers needed time to study information given at the public hearing. Councilmember Randall Buchta suggested having the second and third readings at

the February meeting. It was agreed to consider the ordinance at the February council meeting.

Adjournment

There being no further business to come before the board, a **motion** was made by Councilmember Thomas Schmidt and seconded by Councilmember Renee Kabrick to adjourn the meeting. The motion carried 6-0 and the meeting adjourned at 7:58 p.m.

William J. Schmitt, Mayor
Presiding Officer

ATTEST:

Juanita S. Boehm, Clerk-Treasurer

Cynthia Kluemper, Recording Secretary